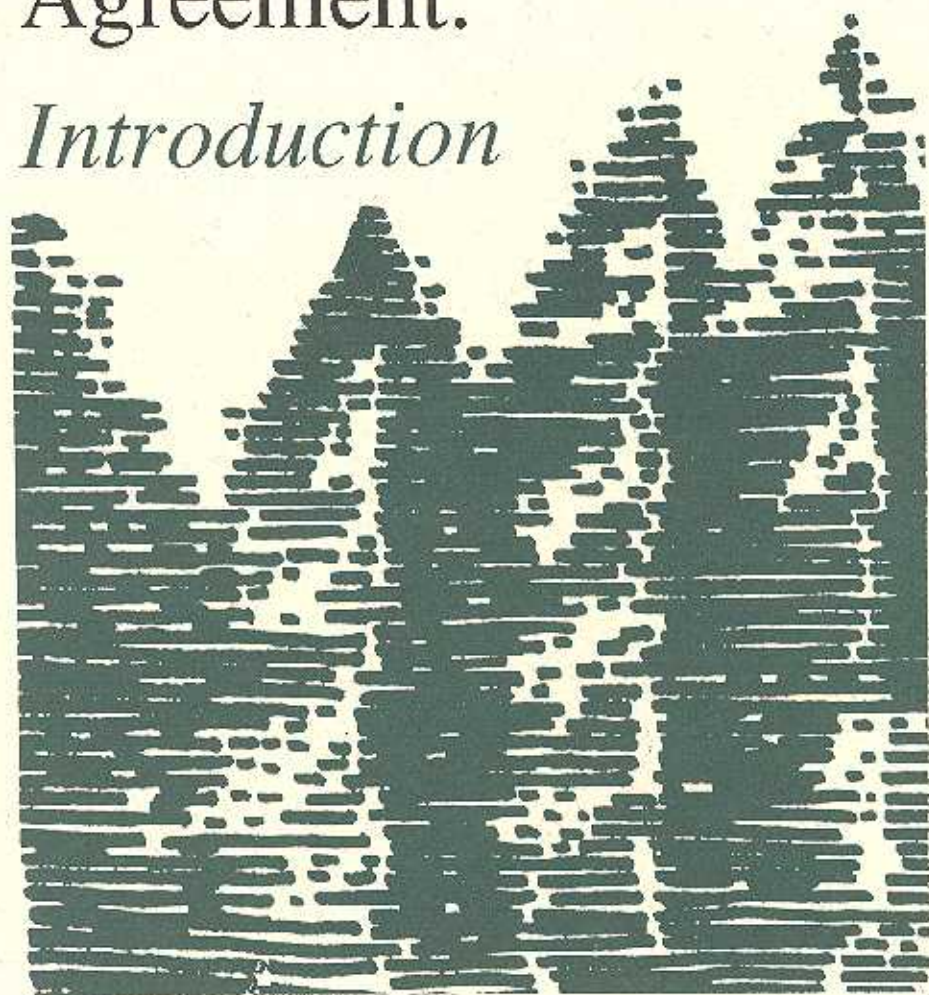


The
Timber
Fish
Wildlife
Agreement:
Introduction



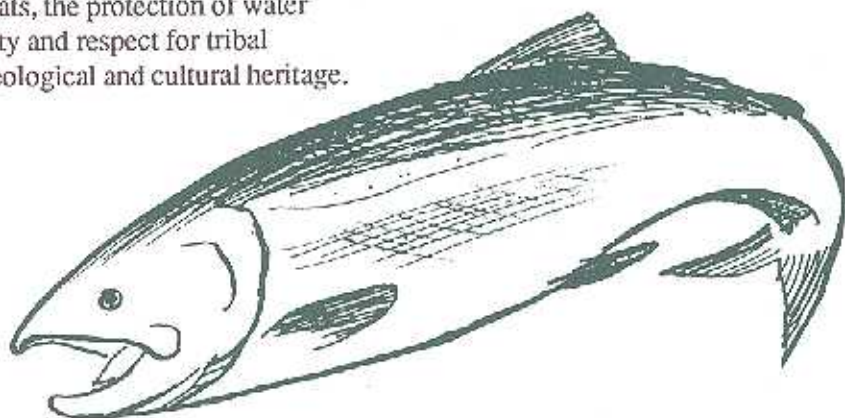
Introducing the TFW Agreement

The Timber, Fish and Wildlife (TFW) Agreement is a fluid, changeable, "living" document designed to reshape the way we manage our forest-based natural resources in Washington state. It is not a legal agreement. It is an agreement of commitment by all parties to work together to reach consensus, encouraged by peer pressure.

The TFW process recognizes that many different interest groups and governmental agencies must be involved, together, in order for the best decisions to be made. The decisions must take into account the need for a viable timber industry as well as a need for healthy fish and wildlife habitats, the protection of water quality and respect for tribal archeological and cultural heritage.

This booklet is an introduction to this innovative way of managing public and private forest resources. The booklet will:

- list the goals of the agreement,
- touch on the history which led to the agreement,
- describe the initial negotiations,
- outline special points of interest, such as the concept of "adaptive management,"
- describe some special TFW tools,
- explain how TFW interfaces with already existing timber-related rules and regulations, and finally,
- list some significant "ground rules" which laid the foundation for the agreement in the first place.

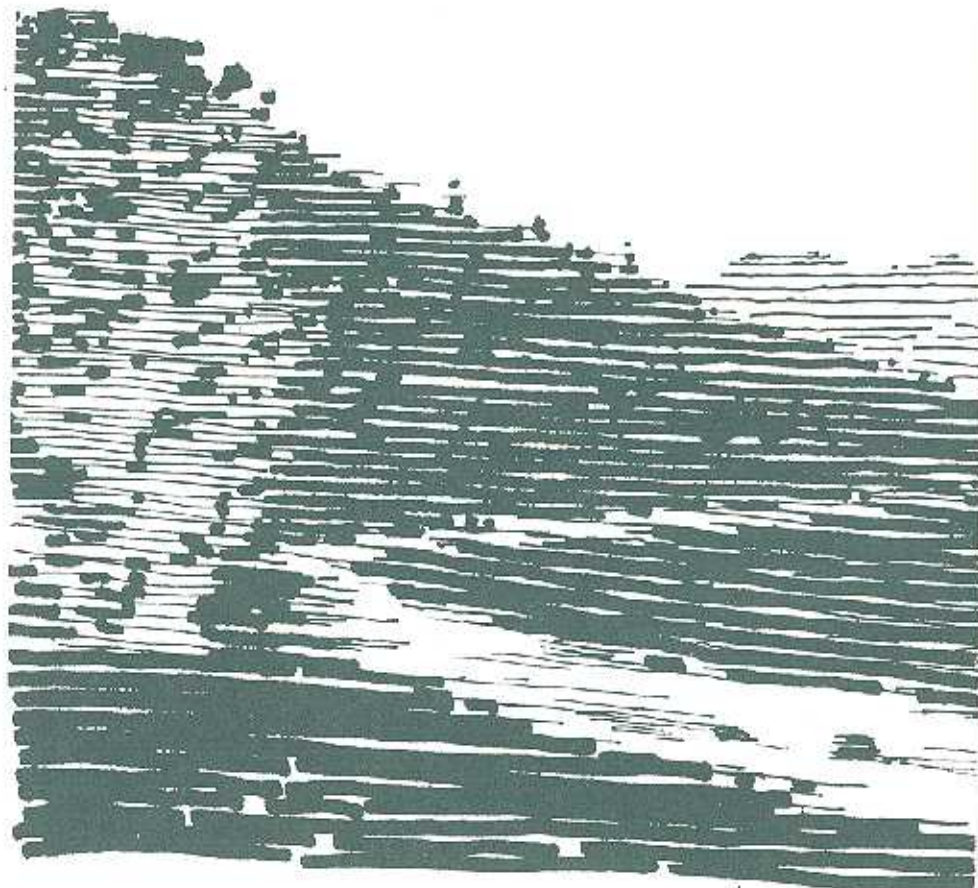


The Goals of TFW

Each TFW participant recognizes that the goals of all participants are equally legitimate and important. As partners in TFW, the participants have accepted the following goals, taken right from the TFW Agreement.

Wildlife -

"...to provide the greatest diversity of habitats (particularly riparian, wetlands and old growth), and to assure the greatest diversity of species within those habitats for the survival and reproduction of enough individuals to maintain the native wildlife of Washington forest lands."



Fisheries -

"...long-term habitat production for natural and wild fish, and the protection of hatchery water supplies."

Archeological and cultural -

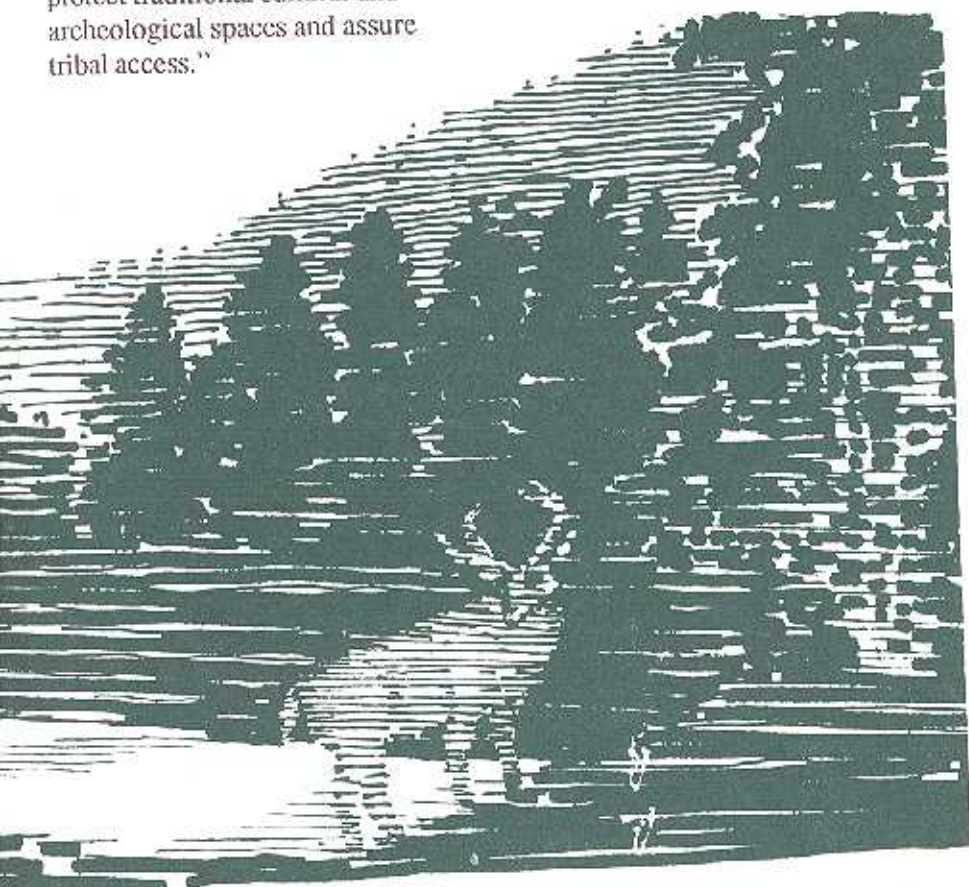
"...to develop a process to inventory archeological cultural spaces in management forests; and to inventory, evaluate, preserve and protect traditional cultural and archeological spaces and assure tribal access."

Water quality and quantity -

"...protection of water needs of people, fish and wildlife."

Timber -

"...the continued growth and development of the state's forest products industry which has a vital stake in the long term productivity of both the public and private forest land base."



Building TFW

The Political "Environment" Leading to TFW

After the adoption of the Forest Practices Act (FPA), there was continuing contention over the adequacy of forest practices regulations. The climate became increasingly unwieldy and adversarial. The 1974 FPA was intended to create a comprehensive regulatory program to take into account jurisdictional questions, but it was fraught with problems and underwent several revisions. The Forest Practices Board, which is responsible for overseeing the Act and protecting public resources, was placed in a position of making revisions based on conflicting and often inadequate technical information.

Amendments to the Act ironed out some wrinkles, such as expanding the representation on the Forest Practices Board, expanding the parties reviewing forest practices applications, and addressing one issue at a time. The timber industry, environmental groups and tribes were spending most of their energies applying opposing pressure on the Board and state Legislature to balance everyone's needs.

Organized environmental groups acted as the public's watchdogs over the timber industry and Forest Practices Board activities and demonstrated their influence and determination by filing suit and winning in 1979 the "Classic U" court case. One result of that case was that all major Department of Natural Resources (DNR) timber sales would undergo State Environmental Policy Act (SEPA) review, which gives agencies and the public an opportunity to comment on each project. The environmentalists continued to press for the consideration of more environmental factors when reviewing timber-related activities.

Meanwhile Indian tribes had been fighting in the courts for years over their treaty rights and the number of fish they were entitled to harvest. In 1974, U.S. vs Washington ("Boldt" decision) established the harvest allocation and recognized the tribes as co-managers of the resource. Phase II of that decision went on to state that to maintain this treaty right, the state and federal governments must not degrade the habitat. This created uncertainty as to tribal authority and intent over resource management in general.

The stage was set. Frustration was high. This uncertainty about the Boldt decision and tribal intent prompted representatives from business, industry and agriculture to form the Northwest Water Resources Committee (NWRC). The purpose of the NWRC was to evaluate tribal positions and determine how to approach resolving their problems outside the courtroom.

The Northwest Renewable Resources Center (NRRC) was a direct offshoot of the NWRC, but with a much broader charter and list of participants. Its purpose was to facilitate the resolution of major resource disputes. It was the NRRC which facilitated the initial round of TFW talks at Port Ludlow, Washington.

Arriving at the TFW Agreement

In the summer of 1986, representatives of state agencies, Indian tribes, the timber industry and environmental groups met in Port Ludlow to discuss a better way of doing business. The NRRC designed a number of ground rules (see page 14) to create an atmosphere conducive to negotiating joint, cooperative management of timber, fisheries, wildlife and water resources of Washington. This initial meeting provided the foundation for all negotiations and TFW activities to follow.

During the TFW meetings over the ensuing months, the participants were divided into a policy group and a working group. The policy group consisted of agency and organization leaders while the working group consisted of upper and mid-management technical staff members. The working group was broken down into over a dozen technical subcommittees. These various groups and subcommittees held over sixty meetings in a five-month period resulting in a final agreement in February 1987.

The TFW Agreement

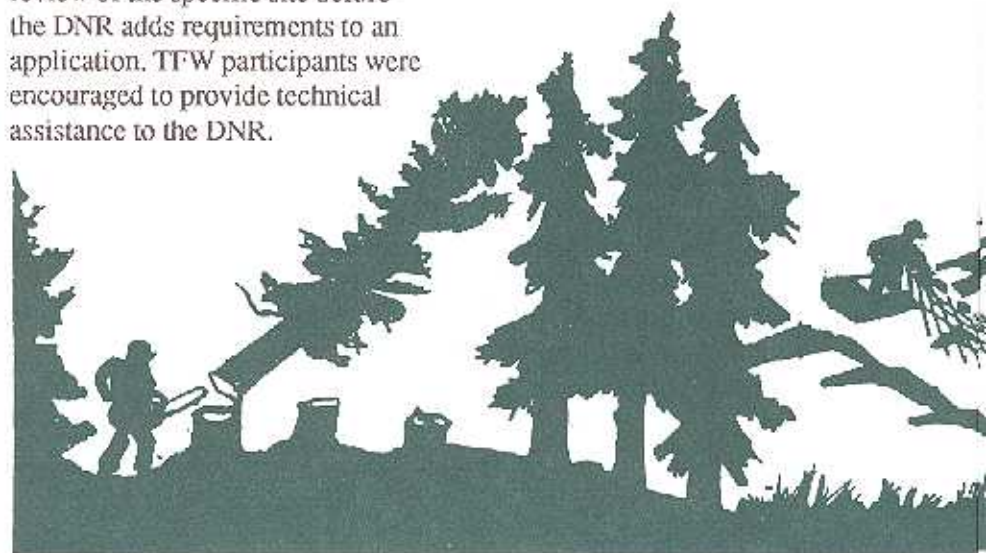
What it Accomplished

Few walked away from Port Ludlow with everything they wanted. But all walked away with something they needed, under conditions they could "live with."

As a result of TFW, the DNR reorganized to more clearly delineate between the regulatory and the timber management functions of the agency. Increased technical training for decision makers became a higher priority as did continued research in forest management. Forest practice applications with the potential to adversely impact public resources now receive extra time for field review of the specific site before the DNR adds requirements to an application. TFW participants were encouraged to provide technical assistance to the DNR.

For the timber industry, the expectation was that the cost of doing business would decrease because of the new predictability of regulations and because less time would be spent in expensive litigation. Instead of additional regulations, each site would be dealt with specifically, which makes more sense to the timber industry, small landowners and environmental interests.

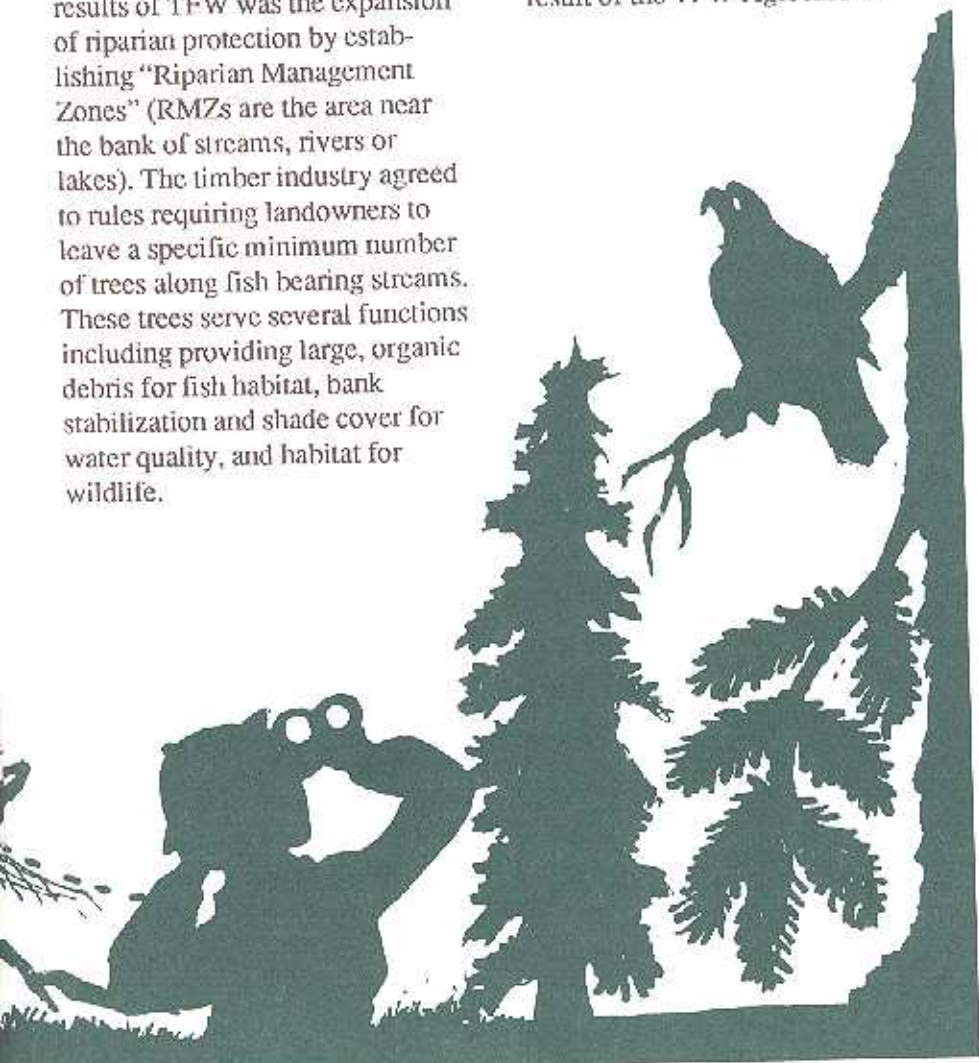
Indian tribes gained the opportunity to become part of the process, and they too spent less time in the courtroom. Tribes also achieved formal recognition of their interest in resource protection and of the significance of archaeological and cultural resources.



Environmental groups also gained from the Agreement. They are accepted as equal partners in TFW negotiations. Most important is the realization that they share many common values with the timber industry. Both want to maintain an adequate forest base and a healthy timber industry.

One of the most important results of TFW was the expansion of riparian protection by establishing "Riparian Management Zones" (RMZs are the area near the bank of streams, rivers or lakes). The timber industry agreed to rules requiring landowners to leave a specific minimum number of trees along fish bearing streams. These trees serve several functions including providing large, organic debris for fish habitat, bank stabilization and shade cover for water quality, and habitat for wildlife.

Upland Management Areas (UMAs) also sprang from TFW to protect wildlife habitat in upland watershed areas. The designation of UMAs by a landowner is voluntary, whereas the designation of RMZs is mandated in the Forest Practices Board rules. Obviously protection of fish, wildlife and water quality also improved as a result of the TFW Agreement.



Key Ingredients of the Agreement

The TFW Agreement provides a process for resolving differences which arise when managing multiple resources. Because not all forest practice operations are the same, the TFW Agreement also provides *flexibility* in the form of site specific requirements. This flexibility will minimize costs to the landowner while maximizing the ability to address high priority public resource protection issues specific to each site.

The TFW Agreement also provides for the use of *adaptive management*. Resources are managed using the best information available at the time, with the assumption that rules and field methods can be changed in response to research and monitoring results. As timber industry leader Stu Bledsoe, a key co-founder of TFW, has so often been quoted, "We will go where the truth leads us."

Adaptive management allows for the incorporation of new information into the decision making process. At the same time, it allows TFW participants to treat new management programs as "experiments" which will be scientifically evaluated. The findings can be used in developing future management plans. The concept of adaptive management has been incorporated into the regulations governing forest practices in Washington and is a recognized part of the regulatory process.

Another key ingredient of the TFW Agreement is the commitment of the parties to implement the Agreement. To accomplish this, the TFW participants built in a *decision-making process*. The Administrative Committee handles most of the organizational questions, reviews information and gives guidance to several major subcommittees. These subcommittees are assigned the tasks of overseeing technical studies, training, information and education, and field implementation. The Policy Group reviews the larger policy questions addressed in TFW. This process includes all participants. It also allows participants to make carefully considered resource decisions with the confidence inherent in a system with its own checks and balances.

Other key ingredients include *pre-planning, resource management plans, and annual evaluations*. Pre-planning is accomplished through annual harvest reviews. By discussing harvest plans for the year ahead, all parties have the opportunity to share their concerns and needs well in advance of submitting the actual forest practice application. Pre-planning helps guide forest practices for the coming year. At the same time it provides an opportunity for parties involved in the development of a specific harvest plan to review the results of the previous year's activities.

Resource management plans are plans for entire watershed basins or areas where major issues have been identified. They provide landowners with the opportunity to work with TFW participants. Resource management plans are strictly voluntary, but beneficial, and allow issues to be identified ahead of time. They also provide for extra coordination among multiple resource managers.

Annual evaluations provide a process to review and evaluate the effectiveness of TFW and to identify new issues to be addressed. During the third and eighth years' evaluations, the TFW participants will conduct a more extensive review of the entire system and process. They will look at successes and failures and decide if any changes need to be negotiated. Also, after these two reviews, the parties can decide to continue the approach or seek other alternatives for addressing forest practices.

The Tools of TFW

ID Teams

The most visible and frequently used tool of TFW participants is the Interdisciplinary (ID) Team. When "priority issues" are raised concerning a forest practice application, an ID team is sent to the site to evaluate specific field conditions. "Priority issues" are those regional issues designated by TFW participants as possibly having a significant impact on public resources (water, fish, wildlife and public improvements). A few examples include timber harvesting 1) on unstable slopes; 2) near species declared by the state to be threatened, endangered or sensitive; or 3) with the use of alternate plans.

ID teams are made up of people with specialized expertise in such areas as soils, geology, hydrology, fisheries, wildlife biology and forest engineering. The team responds to technical questions which arise when looking at more environmentally sensitive forest practice applications. The team makes its recommendations to the DNR. The DNR takes into account the need to both protect public resources and maintain a viable timber industry before making permitting decisions.



Alternate Plans

As part of the application process, an alternate plan may be submitted by the landowner in order to request variances from forest practice rules and regulations when they are applied to his or her land. This process can give the landowner more flexibility, but requires the landowner to demonstrate how the variance will provide overall equal or better protection of public resources.



The TFW Agreement

The TFW Research and Monitoring Program

Research and monitoring in TFW is outlined in a workplan developed by the TFW Cooperative Monitoring, Evaluation and Research Committee (CMER). Since adaptive management is a key ingredient of the TFW Agreement, research and monitoring must be ongoing to ensure decisions are made with the most up-to-date information. In addition, site specific management, based on cooperative decision-making, requires knowledge of forestry and public resources in all forested areas of the state.

This workplan recommends scientific projects, a schedule, and funding sources to answer unresolved technical and scientific questions on the impacts of forest management on fish, wildlife and water.

State Rules and Regulations. Where Does TFW Fit In?

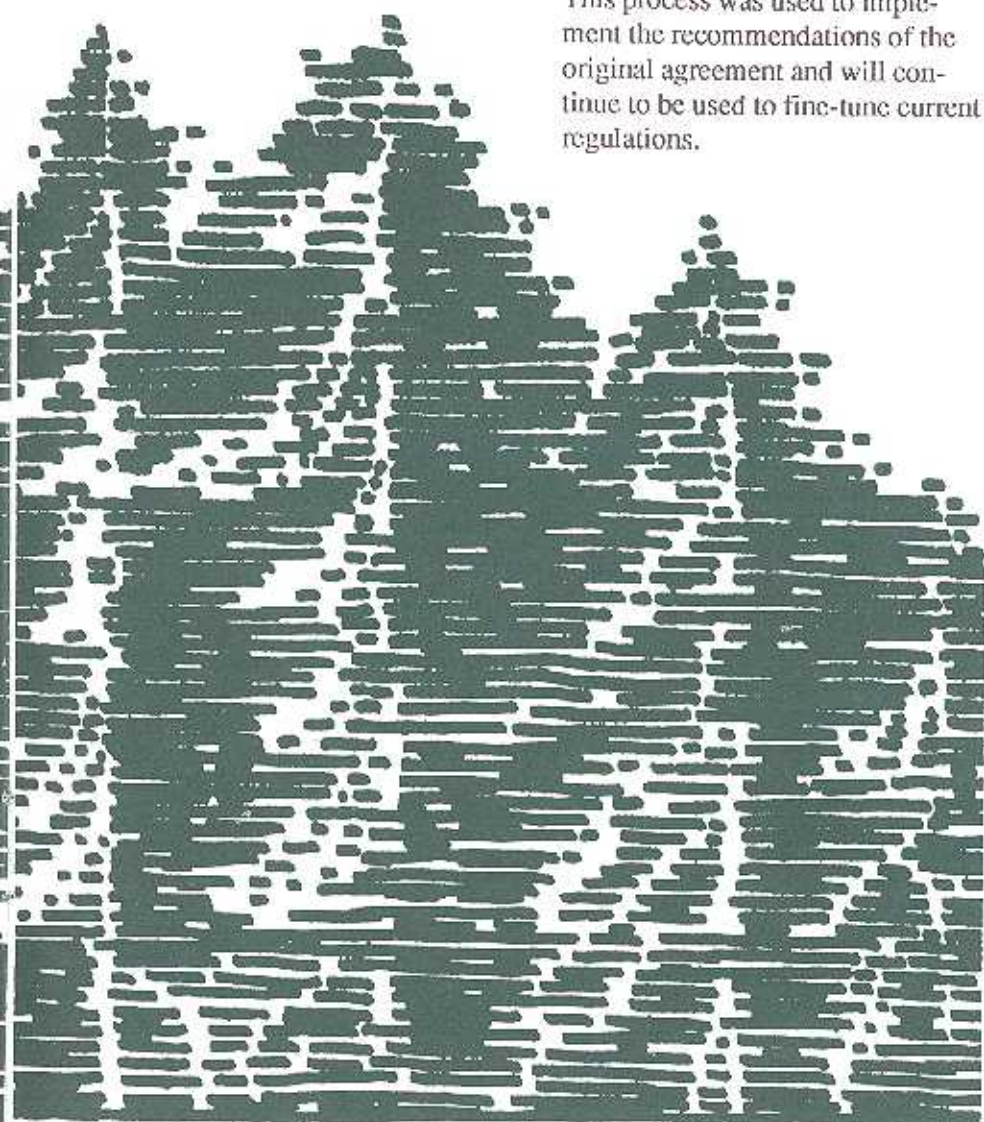
The Forest Practices Act, passed in 1974, sets the regulatory goals required by the Washington State Legislature. It is intended to regulate all forest practices on all state and private (nonfederal) forest land in Washington. Since 1974 it has gone through several revisions.

The Forest Practices Act established a permit system for various types of forest practices including road construction and maintenance, timber harvest, reforestation and forest chemical use on timber lands. The Act also established a Forest Practices Board, the state body which adopts forest practice rules to protect public resources, and the Forest Practices Appeals Board which resolves disputes if a DNR decision is appealed.



TFW fits in neatly, making unified recommendations to the Legislature and the Forest Practices Board about changes to state rules and regulations. TFW represents all of the major constituencies interested in forest practices in Washington.

As the process of adaptive management is applied, new information is evaluated in light of current rules and regulations. Using consensus, if the TFW participants feel that certain rules need updating, these recommendations can be made to the Forest Practices Board. This process was used to implement the recommendations of the original agreement and will continue to be used to fine-tune current regulations.



TFW

Ground Rules

As mentioned on page 5, the Northwest Renewable Resources Center proposed a set of ground rules for use during the initial round of TFW talks in 1986. Those ground rules were not forgotten after those first meetings. They became a significant feature of the TFW "style" of doing business. Altogether, 19 ground rules were established. They are published within the TFW Agreement. The following are a few of the key rules which are the mainstay of TFW.

■ Negotiators are required to leave their "weapons" at the door. This means leaving their positions at the door, in order to listen to the other side with an open mind and to work at solving others' problems instead of just their own.

■ Negotiators must truly listen, in order to find a solution to the problem instead of only trying to prove points. They must ask questions in order to understand and make statements to explain or educate.

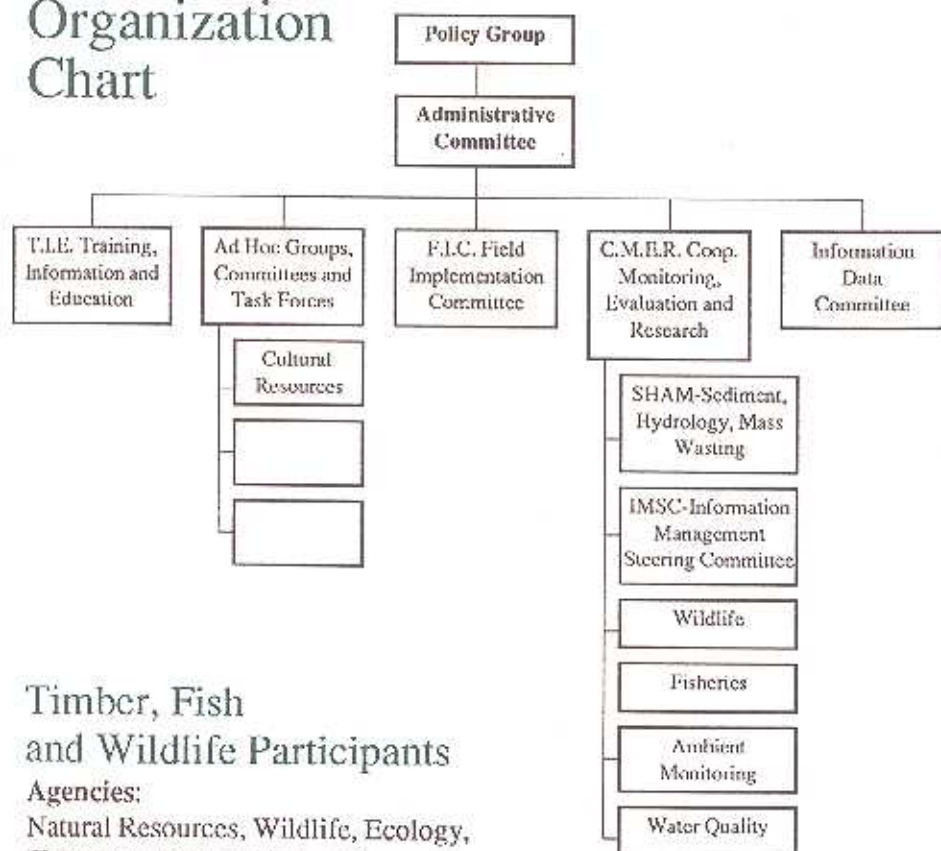
■ Negotiators are free to walk away from the table at any time, but must state the reason why they are leaving. This gives others another chance to see if they can resolve the issue in a satisfactory way.

■ Commitment must be made to attempt to reach a consensus.

Obviously this is a drastic departure from the tradition of butting heads over resource issues. At the heart of these ground rules is the assumption that everyone wins by addressing the needs and goals of ALL participants. Everyone wins by stepping back and looking at the whole picture instead of just one facet. And everyone wins by substituting a less cumbersome and less expensive process of resolving disputes for the old fashioned route of litigation.

And, lastly, everyone wins by discovering that all the different viewpoints, when received with an open mind and understanding, aren't so different after all.

TFW Organization Chart



Timber, Fish and Wildlife Participants

Agencies:

Natural Resources, Wildlife, Ecology,
Fisheries, Labor and Industries

Environmental Community:

Washington Environmental Council,
Washington Audubon Society

Forest Industry:

Washington Forest Protection Association,
Washington Farm Forestry Association

Tribes:

Indian Tribes of Washington
Northwest Indian Fisheries Commission

Landowners and the Public

